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**INTERVENOR**  
~~#41~~ *ABD*  
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SCOTT ELLIOTT

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February 12, 2007

**COPY**  
Posted: *D. Duke*  
Dept: *SA*  
Date: *2-13-07*

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**VIA HAND DELIVERY**

The Honorable Charles L. A. Terreni  
Chief Clerk and Administrator  
The Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina 29210

RE: Petition of the Office of Regulatory Staff to Establish Dockets to Consider  
Implementing the Requirements of Section 1252 (Smart Metering) of the Energy  
Policy Act of 2005, Docket No. 2005-386-E

Dear Mr. Terreni:

Enclosed please find an original and ten copies of Wal-Mart Stores, Inc.'s Petition to Intervene in the above-referenced proceeding. Also enclosed is one additional copy which we kindly request you date stamp and return to our courier.

All persons on the service list have been served with this Petition to Intervene. If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance in this matter.

Sincerely,

ELLIOTT & ELLIOTT, P.A.

*Scott Elliott*  
Scott Elliott

Attorney for Wal-Mart Stores, Inc.

Enclosures

cc: Official Service List (w/encl.)

RETURN DATE: *2-13-07*  
SERVICE: *OK D. Duke*

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

Re: Petition of the Office of Regulatory Staff to )  
Establish Dockets to Consider Implementing the ) Docket No. 2005-386-E  
Requirements of Section 1252 (Smart Metering) )  
of the Energy Policy Act of 2005 )

**PETITION TO INTERVENE OF  
WAL-MART STORES, INC.**

Pursuant to Rules 103-830 and 103-836 of the Rules of Practice and Procedure of the Public Service Commission of South Carolina ("Commission"), S.C. Code Regs. 103-830, 103-836 (2006), and the Commission's Notice of Filing issued on January 17, 2007, in the above captioned docket, Wal-Mart Stores, Inc. ("Wal-Mart") hereby petitions to intervene as a Party of Record in the subject proceeding.


In support of this Petition to Intervene, Wal-Mart shows as follows:

1. Wal-Mart owns and operates several large retail stores in the State of South Carolina. Wal-Mart is a customer of numerous utility providers in South Carolina, including over 20 electric utilities that constitute investor owned utilities, cooperatives, and municipalities. Wal-Mart's business interest is nationwide and Wal-Mart is a customer of both small and large utilities throughout the United States.

2. Attorneys authorized to receive communications, correspondence, pleadings and other materials relevant to this proceeding are the following:

Scott Elliott \*  
Elliott & Elliott, P.A.  
721 Olive Street  
Columbia, SC 29205  
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Judith Kim\*  
Senior Counsel  
Wal-Mart Corporation  
2001 S.E. 10<sup>th</sup> Street, Dept. 8313  
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Sherry A. Quirk\*  
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1666 K Street, N.W.  
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squirk@sandw.com

\* Persons designated for service.

3. On December 12, 2005, the Office of Regulatory Staff (“ORS”) submitted a petition<sup>1</sup> requesting the Commission to convene a docketed proceeding pursuant to Section 1252 of the Energy Policy Act of 2005, which requires the Commission to conduct an investigation regarding whether to implement smart metering standards in the State of South Carolina.<sup>2</sup>

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<sup>1</sup> Petition to Establish Docket to Fulfill the State Requirements of the Energy Policy Act of 2005, Docket No. 2005-386-E (filed Dec. 12, 2005) (“Petition”).

<sup>2</sup> See Energy Policy Act of 2005, Pub. L. No. 109-58, § 1252, 119 Stat. 594, 96-67.

4. On December 12, 2006, Duke Energy Carolinas, LLC moved, with the consent of parties in the proceeding, to consolidate the instant docket regarding smart metering with the Commission's formal proceeding in Docket No. 2005-385-E regarding the implementation of net metering standards.<sup>3</sup> Grounds for the Consent Motion included a commonality of parties, subject matter, and prospective witnesses.<sup>4</sup>

5. On January 17, 2007, the Commission issued a Notice of Filing with respect to ORS's Petition. The Notice of Filing requested that petitions to intervene be filed by February 12, 2007.

6. Wal-Mart seeks to reduce costs through the implementation of various energy policies, including demand response programs. Wal-Mart has an interest in the use of time-based meters and communication devices, or "smart meters," along with time-based pricing schedules, which can result in cost reduction.

7. Accordingly, Wal-Mart has an interest in the outcome of this proceeding, which interest cannot be adequately represented by any other party, and its participation is in the public interest. Wal-Mart requests that the Commission grant its Petition to Intervene in this proceeding.

8. Wal-Mart reserves its right to further present its position and participate in any hearing that may be scheduled by the Commission during the course of this proceeding.

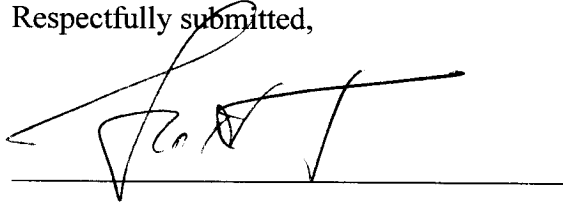
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<sup>3</sup> See Consent Motion, Docket Nos. 2005-385-E and 2005-386-E (filed Dec. 12, 2006) ("Consent Motion").

<sup>4</sup> *Id.* at 3.

WHEREFORE, Wal-Mart requests that the Commission: (1) grant Wal-Mart's  
Petition to Intervene, with rights to participate fully in the instant proceeding, including  
any hearing that may be ordered; and (2) order such further relief as this Commission  
may deem just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Judith Kim", written over a horizontal line.

Judith Kim, Esq.  
Senior Counsel  
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2001 S.E. 10<sup>th</sup> Street, Dept. 8313  
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1666 K Street, N.W.  
Washington, D.C. 20006

Attorneys for Wal-Mart Stores, Inc.

February 12, 2007

## CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that (s)he has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Petition of the Office of Regulatory Staff to Establish Dockets to Consider Implementing the Requirements of Section 1252 (Smart Metering) of the Energy Policy Act of 2005

DOCKET No. 2005-386-E

PARTIES SERVED: Catherine D. Taylor, Esquire  
SCANA Services, Inc.  
1426 Main Street  
M/C - 130  
Columbia, SC 29201

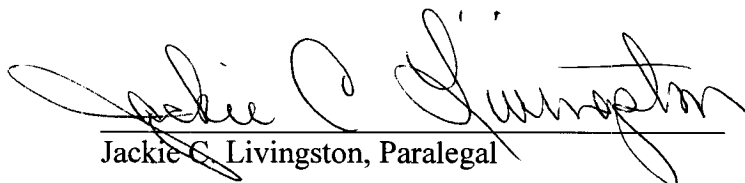
Len S. Anthony, Esquire  
Progress Energy Carolinas  
P. O. Box 1551  
Raleigh, NC 27602

Nanette S. Edwards  
Office of Regulatory Staff  
P. O. Box 11263  
Columbia, SC 29211

Richard L. Whitt, Esquire  
Austin, Lewis & Rogers  
P. O. Box 11716  
Columbia, SC 29201

PLEADING: PETITION TO INTERVENE OF  
WAL-MART STORES, INC.

February 12, 2007

  
Jackie C. Livingston, Paralegal